

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1008 be amended to read as follows:

- 1 Page 32, between lines 27 and 28, begin a new paragraph and insert:
- 2 **"(9) Maintenance by the operator of a policy or policies of**
- 3 **public liability insurance (copies of which shall be filed with**
- 4 **the authority, accompanied by proofs of coverage) or**
- 5 **self-insurance, each in a form and amount satisfactory to the**
- 6 **authority to insure coverage of tort liability to the public and**
- 7 **employees and to enable the continued operation of the toll**
- 8 **road project.**
- 9 **(10) Filing by the operator, on a periodic basis, of**
- 10 **appropriate financial statements in a form acceptable to the**
- 11 **authority.**
- 12 **(11) Filing by the operator, on a periodic basis, of**
- 13 **appropriate traffic reports in a form acceptable to the**
- 14 **authority.**
- 15 **(12) Financing obligations of the operator and the authority,**
- 16 **including entering into agreements for the benefit of the**
- 17 **financing parties.**
- 18 **(13) The rights and duties of the operator, the authority, and**
- 19 **other state and local governmental entities with respect to**
- 20 **use of the toll road project, including the state police**
- 21 **department and other law enforcement and public safety**
- 22 **agencies.**
- 23 **(14) Arbitration or other dispute resolution mechanisms or**
- 24 **remedies for the settlement of claims and other disputes**
- 25 **arising under the agreement. However, such arbitration or**
- 26 **other dispute resolution mechanism may not be binding on**
- 27 **the parties unless all parties to the public-private agreement**
- 28 **agree to the award, resolution or recommendation of the**
- 29 **arbitrator or other dispute resolver.**
- 30 **(15) Payment of money to either party upon default or delay,**
- 31 **or upon termination of the public-private agreement, with**

1 **the payments to be used:**
2 **(A) in the form of liquidated damages to compensate the**
3 **operator for demonstrated unamortized costs, lost**
4 **profits, or other amounts as provided in the agreement;**
5 **(B) to retire or refinance indebtedness related to the toll**
6 **road project or the public-private agreement; or**
7 **(C) for any other purpose mutually agreeable to the**
8 **operator and the authority.**
9 **(16) Assignment, subcontracting, or other delegation of**
10 **responsibilities of the operator or the authority under the**
11 **agreement to third parties, including other private entities,**
12 **the department, and other state agencies. However, no**
13 **assignment, subcontracting or other delegation of**
14 **responsibilities of the operator or the authority may take**
15 **place without legislative approval. "**
16 Page 32, delete lines 36 through 42.
17 Page 33, delete lines 1 through 4.
18 Page 33, line 5, delete "(6)" and insert "(3)".
19 Page 33, delete lines 13 through 15.
20 Page 33, line 16, delete "(8)" and insert "(4)".
21 Page 33, delete lines 18 through 34.
22 Page 33, line 35, delete "(12)" and insert "(5)".
23 Page 33, delete lines 37 through 40.
24 Page 33, line 41, delete "(14)" and insert "(6)".
25 Page 34, line 1, delete "(15)" and insert "(7)".
 (Reference is to EHB 1008 as printed February 24, 2006.)

Senator SIMPSON